



TOWN OF BARRINGTON

NEW HAMPSHIRE

Office of the Town Administrator

TO: Marcia Allison, Board of Trustees Chair
Camp Fireside
86 Pond Hill Road
Barrington, New Hampshire 03825

FROM: Town of Barrington / Conner MacIver, Town Administrator

SUBJECT: Daniel Cater Road Access to Ayers Lake

DATE: Wednesday, June 2, 2021

Thank you for the courtesy of your letter dated May 6, 2021, which indicated Camp Fireside's plans to restrict access to Ayers Lake from Daniel Cater Road. Your letter created an opportunity to review the circumstances surrounding the public taking access to Ayers Lake from Daniel Cater Road adjacent to Camp Fireside's property. I further appreciated our conversation on May 11, 2021, regarding the same. I believe the Town and the property owners on Ayers Lake (including Camp Fireside) share the goal of keeping our lakes clean and safe.

As part of the process of educating myself on the topic, I have been in touch with Patrick Bell from the NHDES Dam Bureau who is familiar with Ayers Lake. He explained that the State publishes an [official list of public waters](#) which lists Ayers pond as an RD or 'raised by damming'. As a 'public water', ownership is held in Public Trust by the State of New Hampshire to the Natural Mean High-Water Mark (NMHWM). RSA 271:20 is the statute which explains the State's jurisdiction in this area. Further, Mr. Bell explained that not even the Town could restrict public access to a 'Public Waters' based on RSA 271:20-a which explains that ... "no barriers or other impediments shall exist in the roads and ways leading to any of the public waters." Additional case law supports the State's jurisdiction as well (*State v. Great Falls Mfg Co.*, 83 A. 126, 76 N.H. 373 and *Whitcher V. State*, 184A.549, 87 N.H. 405).

I have also reviewed the 2010 plans from the NRCS conservation easement and the cited deeds. The quit claim deed from Joy to Camp Fireside (1961) at Book 741, Page 480 certainly references the 'flowed land'. This allows me to understand the basis for an ownership claim by Camp Fireside of the bed of Ayers Lake which contradicts State statute and case law. Regardless of the ownership of the lakebed, since the Town's 50' right of way extends beyond the NMHWM, RSA 271:20-a prohibits barriers to the public water (Ayers Lake). It is the Town's understanding that the access to Ayers Lake from Daniel Cater Road cannot and will not be blocked or restricted.

The Town supports the goal of keeping our lakes clean and safe. The Town encourages the existing Clean Boats, Clean Waters signage and suggests the exploration of participation in the Lake Host Program (nhlakes.org). I also understand that the Town, through its Police Department, is responsive to traffic, parking, trespassing, littering and other violations of existing laws or ordinances; this responsiveness can be expected to continue. Thank you again for creating this opportunity for dialogue, research, and understanding.

Sincerely,

Conner MacIver